

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHARON FENNIX,

Petitioner,

vs.

D.K. JOHNSON,

Respondent.

No. C 13-5513 JSW (PR)

**ORDER OF TRANSFER**

(Docket No. 2)

Petitioner is a state prisoner currently incarcerated at the Central California Women's Facility in Chowchilla, California which lies within the venue of the United States District Court for the Eastern District of California. She has filed a habeas petition challenging a prison disciplinary action, which she contends prevent her from being found eligible for parole.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v.*

1 *Henman*, 875 F.2d 244, 249 (9th Cir. 1989). The district court for the district where the  
2 petition is filed may transfer the petition to the other district in the furtherance of justice.  
3 *See* 28 U.S.C. § 2241(d).

4 Petitioner's claims are not directed to her conviction<sup>1</sup> but rather to the execution  
5 of her sentence in that they challenge disciplinary action that allegedly is preventing her  
6 from being found eligible for parole. Accordingly, IT IS ORDERED in the interest of  
7 justice, and pursuant to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the  
8 United States District Court for the Eastern District of California. In light of the transfer,  
9 this Court will not resolve Petitioner's pending motion for leave to proceed in forma  
10 pauperis (dkt. 2).

11 The Clerk of the Court shall transfer this matter forthwith.

12 IT IS SO ORDERED.

13 DATED: 2/6/14

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JEFFREY S. WHITE  
United States District Judge

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<sup>1</sup>Her conviction was obtained in San Joaquin County, which also lies within the venue of the Eastern District.

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SHARON FENNIX,  
Plaintiff,

Case Number: CV13-05513 JSW  
**CERTIFICATE OF SERVICE**

v.

DK JOHNSON et al,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 6, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Sharon Fennix W-20283  
Central California Women's Facility State Prison  
P.O. Box 1508  
Chowchilla, CA 93610

Dated: February 6, 2014

Richard W. Wicking, Clerk  
By: Lisa R Clark, Deputy Clerk